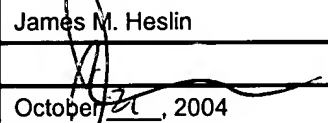
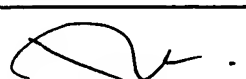


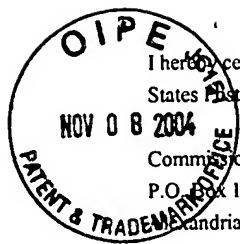
17W

PTO/SB/21 (04-04)

PTO/SB/21 TRANSMITTAL FORM (to be used for all correspondence after initial filing) NOV 08 2004 PATENT & TRADEMARK OFFICE	Application Number	10/734,547
	Filing Date	December 12, 2003
	First Named Inventor	EWERS, RICH
	Art Unit	3762
	Examiner Name	Unassigned
	Attorney Docket Number	021496-002511US
Total Number of Pages in This Submission		

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Supplemental Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard PTO/SB/08A & PTO/SB/08B 65 Reference Copies
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Townsend and Townsend and Crew LLP James M. Heslin Reg. No. 29,541	
Signature		
Date	October 21, 2004	

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
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PATENT
Attorney Docket No.: 021496-002511US
Client Reference No.: USGI-005-2B

On 10/22/04

TOWNSEND and TOWNSEND and CREW LLP

By: Tiffany Wu

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

RICH C. EWERS et al.

Application No.: 10/734,547

Filed: December 12, 2003

For: APPARATUS AND METHODS
FOR FORMING AND SECURING
GASTROINTESTINAL TISSUE FOLDS

Examiner: Unassigned

Art Unit: 3762

INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97 and
§1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the foreign patent document and non patent literature references are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

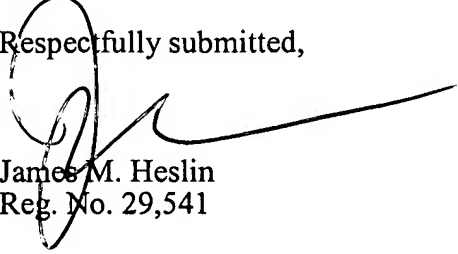
As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no

representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement.

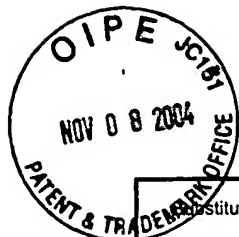
However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



James M. Heslin
Reg. No. 29,541

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Tel: 650-326-2400
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JMH:tfw
60335559 v1



INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Complete if Known			
		Application Number	10/734,547		
		Filing Date	December 12, 2003		
		First Named Inventor	EWERS, RICH		
		Art Unit	3762		
		Examiner Name	Unassigned		
Sheet	1	of	13	Attorney Docket Number	021496-002511US

U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code ² (if known)			
	1	616,672	12-27-1898	Kelling	
	2	2,201,610	05-21-1940	Dawson, Jr.	
	3	2,413,142	12-24-1945	Jones et al.	
	4	2,510,198	06-06-1950	Tesmer	
	5	2,533,494	12-12-1950	Mitchell, Jr.	
	6	3,060,972	10-30-1962	Sheldon	
	7	3,096,962	07-09-1963	Meijs	
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	9	3,162,214	12-22-1964	Bazinet, Jr.	
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	16	3,646,615	03-07-1972	Ness	
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	19	3,858,578	01-07-1975	Milo	
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	21	3,874,388	04-01-1975	King et al.	
	22	3,910,281	10-07-1975	Kletschka et al.	
	23	3,913,565	10-21-1975	Kawahara	
	24	3,974,834	08-17-1976	Kane	
	25	3,976,079	08-24-1976	Samuels et al.	
	26	4,007,743	02-15-1977	Blake	
	27	4,054,128	10-18-1977	Seufert et al.	
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	31	4,366,810	01-04-1983	Slanetz, Jr.	
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	33	4,414,720	11-15-1983	Crooms	
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	37	4,534,350	08-13-1985	Golden et al.	
	38	4,548,202	10-22-1985	Duncan	
	39	4,586,503	05-06-1986	Kirsh et al.	
	40	4,592,339	06-03-1986	Kumak et al.	
	41	4,592,356	06-03-1986	Gutierrez	
Examiner Signature				Date Considered	

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			Complete if Known		
			Application Number	10/734,547	
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			Art Unit	3762	
Examiner Name	Unassigned				
Sheet	2	of	13	Attorney Docket Number	021496-002511US

U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code ² (if known)			
	42	4,595,007	06-17-1986	Mericle	
	43	4,610,250	09-09-1986	Green	
	44	4,648,733	03-10-1987	Merk	
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	49	4,724,840	02-16-1988	McVay et al.	
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	67	5,108,420	04-28-1992	Marks	
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	81	5,251,611	10-12-1993	Zehel et al.	
	82	5,254,126	10-19-1993	Filipi et al.	

Examiner Signature	Date Considered
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			First Named Inventor	EWERS, RICH	
			Art Unit	3762	
			Examiner Name	Unassigned	
Sheet	3	of	13	Attorney Docket Number	021496-002511US

U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code ² (if known)			
	83	5,261,916	11-16-1993	Engelson	
	84	5,268,001	12-07-1993	Nicholson et al.	
	85	5,282,827	02-01-1994	Kensey et al.	
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	88	5,304,184	04-19-1994	Hathaway et al.	
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	92	5,327,914	07-12-1994	Shlain	
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	99	5,348,259	09-20-1994	Blanco et al.	
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	101	5,366,459	11-22-1994	Yoon	
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	103	5,372,146	12-13-1994	Branch	
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	105	5,374,275	12-20-1994	Bradley et al.	
	106	5,380,334	01-10-1995	Torrie et al.	
	107	5,382,231	01-17-1995	Shlain	
	108	5,395,030	03-07-1995	Kuramoto et al.	
	109	5,403,326	04-04-1995	Harrison et al.	
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	122	5,458,609	10-17-1995	Gordon et al.	
	123	5,462,560	10-31-1995	Stevens	
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			Examiner Name	Unassigned	
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		Number Kind Code ² (if known)			
	124	5,462,561	10-31-1995	Voda	
	125	5,465,894	11-14-1995	Clark et al.	
	126	5,470,337	11-28-1995	Moss	
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	134	5,501,691	03-26-1996	Goldrath	
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	136	5,520,691	05-28-1996	Branch	
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	138	5,522,843	06-04-1996	Zang	
	139	5,527,321	06-18-1996	Hinchliffe	
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	142	5,531,759	07-02-1996	Kensey et al.	
	143	5,531,788	07-02-1996	Dibie et al.	
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	147	5,562,684	10-08-1996	Kammerer	
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	158	5,582,616	12-10-1996	Bolduc et al.	
	159	5,584,835	12-17-1996	Greenfield	
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	161	5,601,557	02-11-1997	Hayhurst	
	162	5,603,718	02-18-1997	Xu	
	163	5,613,974	03-25-1997	Andreas et al.	
	164	5,613,975	03-25-1997	Christy	

Examiner Signature	Date Considered
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60335559 v1

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Sheet	5	of	13	Attorney Docket Number	021496-002511US

U.S. PATENT DOCUMENTS+					
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		Number Kind Code ² (if known)			
	165	5,624,381	04-29-1997	Kieturakis	
	166	5,626,588	05-06-1997	Sauer et al.	
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	170	5,643,274	07-01-1997	Sander et al.	
	171	5,643,295	07-01-1997	Yoon	
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	174	5,658,312	08-19-1997	Green et al.	
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	176	5,662,587	09-02-1997	Grundfest et al.	
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	178	5,662,663	09-02-1997	Shallman	
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	186	5,690,655	11-25-1997	Hart et al.	
	187	5,693,060	12-02-1997	Martin	
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	189	5,702,421	12-30-1997	Schneidt	
	190	5,707,394	01-13-1998	Miller et al.	
	191	5,709,708	01-20-1998	Thal	
	192	5,713,903	02-03-1998	Sander et al.	
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	195	5,725,552	03-10-1998	Kotula et al.	
	196	5,732,707	03-31-1998	Widder et al.	
	197	5,741,297	04-21-1998	Simon	
	198	5,749,828	05-12-1998	Solomon et al.	
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	200	5,752,963	05-19-1998	Allard et al.	
	201	5,759,151	06-02-1998	Sturges	
	202	5,766,189	06-16-1998	Matsuno	
	203	5,779,719	07-14-1998	Klein et al.	
	204	5,782,859	07-21-1998	Nicholas et al.	
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Examiner Signature				Date Considered	

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			Application Number	10/734,547	
			Filing Date	December 12, 2003	
			First Named Inventor	EWERS, RICH	
			Art Unit	3762	
Examiner Name	Unassigned				
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		Art Unit	3762		
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			Art Unit	3762	
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			Filing Date	December 12, 2003	
			First Named Inventor	EWERS, RICH	
			Art Unit	3762	
			Examiner Name	Unassigned	
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	436	WO	99/22649	A2	05-14-1999	Kortenbach		<input type="checkbox"/>
	437	WO	99/51283	A2	10-14-1999	Pauker et al.		<input type="checkbox"/>
	438	WO	99/59664	A1	11-25-1999	Windheuser		<input type="checkbox"/>
	439	WO	00/40159	A1	07-13-2000	Yeung et al.		<input type="checkbox"/>
	440	WO	00/54653	A1	09-21-2000	Adams et al.		<input type="checkbox"/>
	441	WO	00/57796	A1	10-05-2000	Rosenblatt		<input type="checkbox"/>
	442	WO	00/78227	A1	12-28-2000	Laufer et al.		<input type="checkbox"/>
	443	WO	00/78229	A1	12-28-2000	Laufer et al.		<input type="checkbox"/>
	444	WO	01/21246	A1	03-26-2001	Matsuura et al.		<input type="checkbox"/>
	445	WO	01/66001	A2	09-13-2001	Gambale et al.		<input type="checkbox"/>
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			Application Number	10/734,547	
			Filing Date	December 12, 2003	
			First Named Inventor	EWERS, RICH	
			Art Unit	3762	
			Examiner Name	Unassigned	
Sheet	12	of	13	Attorney Docket Number	021496-002511US

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)				
	446	WO	01/66018	A1	09-13-2001	Gambale et al.		<input type="checkbox"/>
	447	WO	01/67964	A3	09-20-2001	Sonnenschein et al.		<input type="checkbox"/>
	448	WO	01/70096	A1	09-27-2001	Butler et al.		<input type="checkbox"/>
	449	WO	01/70097	A1	09-27-2001	Butler		<input type="checkbox"/>
	450	WO	01/85034	A1	11-15-2001	Geitz		<input type="checkbox"/>
	451	WO	01/87144	A1	11-22-2001	Page et al.		<input type="checkbox"/>
	452	WO	01/89370	A2	11-29-2001	Lehman et al.		<input type="checkbox"/>
	453	WO	01/89392	A2	11-29-2001	Jacobs et al.		<input type="checkbox"/>
	454	WO	01/89393	A1	11-29-2001	Gambale		<input type="checkbox"/>
	455	WO	02/00119	A2	01-03-2002	Harvie et al.		<input type="checkbox"/>
	456	WO	02/24080	A2	03-28-2002	Schurr et al.		<input type="checkbox"/>
	457	WO	02/024058	A2	03-28-2002	Sonnenschein et al.		<input type="checkbox"/>
	458	WO	02/024058	A3	03-28-2002	Sonnenschein et al.		<input type="checkbox"/>
	459	WO	02/39880	A2	05-23-2002	McClellan et al.		<input type="checkbox"/>
	460	WO	02/39909	A1	05-23-2002	Sonnenschein et al.		<input type="checkbox"/>
	461	WO	02/064012	A2	08-22-2002	Buehlmann et al.		<input type="checkbox"/>
	462	WO	02/068988	A1	09-06-2002	Sonnenschein		<input type="checkbox"/>
	463	WO	02/069841	A2	09-12-2002	Bonadio et al.		<input type="checkbox"/>
	464	WO	02/085252	A1	10-31-2002	Hlavka et al.		<input type="checkbox"/>
	465	WO	02/094105	A2	11-28-2002	Adams		<input type="checkbox"/>
	466	WO	03/007796	A2	01-30-2003	Laufer et al.		<input type="checkbox"/>
	467	WO	03/007799	A2	01-30-2003	Ritchart		<input type="checkbox"/>
	468	WO	03/090633	A2	11-06-2003	Kortenbach et al.		<input type="checkbox"/>
	469	WO	03/096909	A1	11-27-2003	DiCarlo et al.		<input type="checkbox"/>
	470	WO	03/099137	A2	12-04-2003	Cerier et al.		<input type="checkbox"/>
	471	WO	2004/004544	A2	01-14-2004	Deem et al.		<input type="checkbox"/>
	472	WO	2004/019787	A2	03-11-2004	Devries et al.		<input type="checkbox"/>
	473	WO	2004/019788	A2	03-11-2004	Devries et al.		<input type="checkbox"/>
	474	WO	2004/021865	A2	03-18-2004	Zirps et al.		<input type="checkbox"/>
	475	WO	2004/021867	A2	03-18-2004	Zirps et al.		<input type="checkbox"/>
	476	WO	2004/021868	A2	03-18-2004	Zirps et al.		<input type="checkbox"/>
	477	WO	2004/021873	A2	03-18-2004	Aznoian et al.		<input type="checkbox"/>
	478	WO	2004/021894	A1	03-18-2004	Stone		<input type="checkbox"/>
	479	WO	2004/049905	A2	06-17-2004	Tartaglia et al.		<input type="checkbox"/>
	480	WO	2004/071284	A1	08-26-2004	Mikkaichi et al.		<input type="checkbox"/>
	481	WO	2004/075787	A1	09-10-2004	Beulke et al.		<input type="checkbox"/>
	482	WO	2004/080313	A1	09-23-2004	Chu et al.		<input type="checkbox"/>
	483	WO	2004/084702	A2	10-07-2004	Whitin et al.		<input type="checkbox"/>

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		Application Number	10/734,547		
		Filing Date	December 12, 2003		
		First Named Inventor	EWERS, RICH		
		Art Unit	3762		
		Examiner Name	Unassigned		
Sheet	13	of	13	Attorney Docket Number	021496-002511US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	484	ANGIOLINK, The Expanding Vascular Staple [brochure], 1 page total.	
	485	BLUETT et al., "Experimental Evaluation of Staple Lines in Gastric Surgery," <i>Arch. Surg.</i> , vol. 122, July 1987, pp. 772-776.	
	486	BROLIN et al., "Experimental Evaluation of Techniques of Gastric Partitioning for Morbid Obesity", <i>Surgery, Gynecology & Obstetrics</i> , vol. 153, Dec. 1981, pp. 878- 882	
	487	JOHNSTON et al. "The Magenstrasse and Mill Operation of Morbid Obesity", <i>Obesity Surgery</i> 13, 2003, pp. 10-16.	
	488	OKUDAIRA et al., "The Healing and Tensile Strength of the Gastroplasty Staple Line," <i>The American Surgeon</i> , Oct. 1984, pp.564-568.	
	489	SURGICAL DYNAMICS INC., The S D sorb Meniscal Stapler [brochure] (1997), 3 pages total.	
	490	SUTURA, The Next Generation in Vascular Suturing Devices: SuperStitch [brochure], 2 pages total.	

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